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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ROSALYN TILLERY,)
)
Defendant.)

No. 3 05 70678 (BZ)

~~[PROPOSED]~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM SEPTEMBER 30, 2005 TO
OCTOBER 3, 2005 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of October 3, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 30, 2005, to October 3, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on a bond.
2. The 20-day deadline for preliminary hearing or arraignment under Rule 5.1 is October 2, 2005, which is a Sunday, and counsel for the Government will be out of the country the preceding Friday, September 30, 2005. Setting the preliminary hearing for Monday, October 3, 2005 will allow for continuity of Government counsel pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

FILED

SEP 16 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3. Defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) and to waiving the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

4. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from September 30, 2005 to October 3, 2005, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on October 3, 2005, at 9:30A.M., and (2) orders that the period from September 30, 2005 to October 3, 2005 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: 9/13/05

/s/
DAVID COHEN
Attorney for Defendant

DATED: 9/12/05

/s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 9/16/5


JOSEPH C. SPERO
United States Magistrate Judge